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Attorney for *Third Party* QUALCOMM
INCORPORATED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re *Ex Parte* Application of

Case No. 23-mc-80322-EJD

CONSUMERS' ASSOCIATION

Petitioner for an Order Pursuant to 28
U.S.C. § 1782 to Conduct Discovery
for Use in a Foreign Proceeding

**DECLARATION OF
KATHERINE G. CONNOLLY IN
SUPPORT OF
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED UNDER
CIVIL LOCAL RULES 3-12 AND
7-11**

1 I, Katherine G. Connolly, hereby declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and
3 before this Court. I am a senior associate with the law firm Norton Rose Fulbright
4 US LLP, attorneys for Qualcomm Incorporated (“Qualcomm”) in *In re Ex Parte*
5 *Application of Qualcomm Incorporated*, Case No. 24-mc-80019 (filed January 26,
6 2024). Pursuant to Civil Local Rule 7-11, I submit this declaration in support of
7 Qualcomm’s Administrative Motion to Consider Whether Cases Should Be Related
8 Under Civil Local Rules 3-12 and 7-11 (“Motion”). If called as a witness, I could and
9 would testify competently to the matters stated herein.

10 2. Attached here as **Exhibit 1** is a true and correct copy of the *Ex Parte*
11 Application for An Order Granting Leave to Take Discovery for Use in a Foreign
12 Proceeding Pursuant to 28 U.S.C. § 1782 (with attachments) (ECF 1) and the
13 Memorandum of Points and Authorities in support of *Ex Parte* Application for An
14 Order Granting Leave to Take Discovery for Use in a Foreign Proceeding Pursuant
15 to 28 U.S.C. § 1782 (ECF 3) (without attachments), *In re Ex Parte Application of*
16 *Consumers’ Association*, Case No. 23-mc-80322-EJD, filed on December 7, 2023.

17 3. Attached as **Exhibit 2** is true and correct copy of the *Ex Parte*
18 Application for An Order Granting Leave to Take Discovery for Use in a Foreign
19 Proceeding Pursuant to 28 U.S.C. § 1782 (with attachments) (ECF 1), *In re Ex Parte*
20 *Application of Qualcomm Incorporated*, Case No. 24-mc-80019, filed on January 26,
21 2024.

22 4. The intended subpoena recipients are the same in both Actions: Apple
23 Inc., and Samsung Semiconductor, Inc. and/or Samsung Electronics America, Inc.

24 5. Qualcomm and the applicant in *In re Ex Parte Application of*
25 *Consumers’ Association*, Case No. 23-mc-80322-EJD, are both parties to the same
26 ongoing legal proceeding in the United Kingdom, *Consumers’ Association v.*
27 *Qualcomm Incorporated*, pending before the Competition Appeal Tribunal, Case No.
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1 382/7/7/21, that forms the basis of the requested discovery in both *In re Ex Parte*
2 *Application of Consumers' Association*, Case No. 23-mc-80322-EJD and *In re Ex*
3 *Parte Application of Qualcomm Incorporated*, Case No. 24-mc-80019 (together, the
4 "Actions").

5 6. As such, substantially the same legal arguments regarding the statutory
6 requirements and discretionary *Intel* factors under 28 U.S.C. § 1782 are being made
7 in both Actions.

8 7. On January 27, 2024, Counsel for Qualcomm conferred by email with
9 counsel for Applicant Consumers' Association. Counsel regarding the relief
10 requested in this Motion. Counsel for Applicant Consumers' Association stated that,
11 as their application had been granted, their "client considers that it would not be
12 appropriate to consolidate the proceedings at this stage but acknowledges that this
13 may be sensible in due course[.]" The email exchange is attached hereto as **Exhibit**
14 **3**.

15 I declare under penalty of perjury that the foregoing is true and correct.
16 Executed this 30th day of January 2024, at Livermore, California.

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18 By /s/ Katherine G. Connolly
19 Katherine G. Connolly
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